

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Charis Jones	Team: Squad #7	CCRB Case #: 201903359	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 04/18/2019 3:00 PM	Location of Incident: § 87(2)(b)	Precinct: 48	18 Mo. SOL 10/18/2020	EO SOL 6/4/2021	
Date/Time CV Reported Thu, 04/18/2019 3:36 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 04/18/2019 3:36 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Daeshawne Wells	20531	963326	048 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Kevin Mcspedon	24156	963158	048 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Daeshawne Wells	Abuse: Police Officer Daeshawne Wells threatened to remove § 87(2)(b) to the hospital	

## Case Summary

On April 18, 2019, § 87(2)(b) called the CCRB and filed this complaint.

On April 18, 2019, at approximately 3:00 p.m., in the vicinity of § 87(2)(b) Apt. § 87(2)(b) in the Bronx, § 87(2)(b) called 911 regarding a dispute with her neighbor, § 87(2)(b) § 87(2)(b). Police Officer Daeshawne Wells and Kevin Mcspedon of the 48<sup>th</sup> Precinct responded to the location. Upon arrival, PO Wells and PO Mcspedon spoke with § 87(2)(b) and § 87(2)(b) separately. After speaking with both parties, PO Wells told § 87(2)(b) that if she did not go back into her apartment, he would call an ambulance for her to go to the mental hospital (**Allegation A: Abuse of Authority, § 87(2)(g)**).

The investigation obtained the body-worn camera footage from PO Wells and PO Mcspedon that captures a portion of this incident (Board Review 01) (Board Review 02).

### **Allegation (A) Abuse of Authority: Police Officer Daeshawne Wells threatened to remove § 87(2)(b) to the hospital.**

§ 87(2)(b) (Board Review 03) testified that she has had ongoing issues with her neighbor, § 87(2)(b). On April 18, 2019, § 87(2)(b) called 911 because § 87(2)(b) was banging on the wall they shared. PO Mcspedon and PO Wells responded to the location and knocked on her door. § 87(2)(b) opened her door and explained to the officers that her neighbor was making a lot of noise. During this conversation § 87(2)(b) came out of her apartment, accused § 87(2)(b) of lying, and threatened to hurt her. After speaking with § 87(2)(b) PO Wells made circular motions with his hands near his head indicating to § 87(2)(b) that § 87(2)(b) was crazy. § 87(2)(b) observed this and tried to jump over PO Wells to hit § 87(2)(b). PO Wells stopped her from attacking § 87(2)(b) and the two of them § 87(2)(b) and § 87(2)(b) continued to scream at one another. PO Wells raised his voice and told § 87(2)(b) that if she were to call about this issue again, he would send her to the mental hospital. This incident lasted approximately 30 minutes.

As mentioned above, the investigation obtained PO Wells' and PO Mcspedon's body-worn-camera, both of which are approximately eight minutes in length and capture a portion of the officer's interaction with § 87(2)(b) and § 87(2)(b) (Board Review 01) (Board Review 02). However, the officer's recordings are incomplete; their cameras do not show the end of the incident nor do they capture the allegation as described. In the videos both § 87(2)(b) and § 87(2)(b) complain about each other. At the 14:55 p.m. timestamp of PO Mcspedon's BWC, § 87(2)(b) appears to have calmed down explains to PO Mcspedon that the reason she has called the police so many times was because § 87(2)(b) had threatened her (Board Review 02). § 87(2)(b) does not make any bodily movements at any point during the videos nor does she make any concerning or threatening statements that would warrant concern for the safety of anyone present. PO Wells' camera shows him talking separately with § 87(2)(b). During their conversation, § 87(2)(b) threatens to harm § 87(2)(b). At 14:55:15, PO Wells tells § 87(2)(b) that § 87(2)(b) is not all together there and that she is up and down.

PO Wells (Board Review 04) testified that when he and PO Mcspedon arrived at the location, § 87(2)(b) and § 87(2)(b) were standing outside of their respective apartments. § 87(2)(b) explained that her super was in the process of fixing her broken door. § 87(2)(b) told PO Wells that § 87(2)(b) was constantly making noise and that she did not want to speak with him because

she did not trust black officers. From that point onward, the communication between § 87(2)(b) and himself was unproductive. § 87(2)(b) continued to shout and divert the conversation; she would forget about the present issue she was having with § 87(2)(b) and talk about the issues she had with another neighbor. PO Wells told § 87(2)(b) that she needed to go back inside her apartment and that § 87(2)(b) door would have to remain open because it was being fixed. PO Wells and PO Mcspedon waited outside their apartments to make sure the situation would not escalate. During that time § 87(2)(b) failed to follow PO Wells' orders; she would go inside her apartment and then immediately come out multiple times. PO Wells told § 87(2)(b) that if she did not stay inside her apartment, he would call an ambulance. PO Wells' decision to make that statement was based solely on § 87(2)(b)'s loud demeanor and failure to follow through with his instruction to stay inside. PO Wells was never fearful for his or his partner's safety and the only time he feared for § 87(2)(b)'s safety was when § 87(2)(b) threatened physical force against her. By not remaining in her apartment, § 87(2)(b) was inciting § 87(2)(b) behavior. The only time § 87(2)(b) calmed down was after he made the statement about calling the ambulance.

PO Mcspedon's (Board Review 05) testimony was generally consistent with PO Wells' in how their initial interaction with § 87(2)(b) unfolded. After speaking with § 87(2)(b) and ordering § 87(2)(b) to stay inside her apartment, the officers waited in the hallway. § 87(2)(b) came out of her apartment and began to yell in broken English that § 87(2)(b) was banging on her wall again. § 87(2)(b) opened her door and yelled at § 87(2)(b) to stop calling the police. The officers separated both parties and PO Mcspedon spoke with § 87(2)(b) privately. During this conversation, PO Mcspedon informed § 87(2)(b) that the issue at hand was a civil matter. PO Wells came over to them and joined the conversation. At some point during this conversation, PO Wells made a statement about a mental hospital. PO Mcspedon believed PO Wells made that statement because § 87(2)(b) was not understanding what they were saying. PO Mcspedon was concerned about her mental state because he had to repeat himself numerous times. PO Mcspedon did not perceive § 87(2)(b) to be a threat to herself or anyone else and there were moments during their interaction where § 87(2)(b) would calm down.

NYPD Patrol Guide Procedure 221-13 defines an emotionally disturbed person (EDP) as someone who appears to be mentally ill or temporarily deranged and is conducting himself in a manner which a police officer reasonably believes is likely to result in serious injury to himself or others. The Patrol Guide Procedure outlines the procedure when an MOS reasonably believes a person who is mentally ill or emotionally disturbed must be taken into protective custody because the person is conducting themselves in a manner likely to result in serious injury to himself or others (Board Review 06).

PO Mcspedon and § 87(2)(b)'s testimonies are consistent in that they heard PO Wells make a statement to § 87(2)(b) about a mental hospital. In PO Wells' own account, he told § 87(2)(b) that he would call an ambulance if she did not remain inside her apartment. The body-worn-camera footage showed § 87(2)(b) as being frustrated and repetitive; she was upset about her ongoing issues with § 87(2)(b), § 87(2)(b), § 87(2)(b), § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

**Civilian and Officer CCRB Histories**

- § 87(2)(b) has been party to one CCRB complaint and has been named a victim in one allegation (Board Review 07).
  - 201900356 involved an allegation of a threat of arrest, which was closed as complainant uncooperative.
- PO Wells has been a member-of-service for two years and this is the first CCRB complaint to which he has been a subject.

**Mediation, Civil and Criminal Histories**

- § 87(2)(b) declined to mediate this complaint.
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (Boar Review 08).
- A notice of claim has been sent to the New York City Office of the comptroller and will be added to the case file upon receipt.

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Squad No.: \_\_\_\_\_

Investigator: \_\_\_\_\_

Signature	Print Title & Name	Date
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Squad Leader: \_\_\_\_\_

Signature	Print Title & Name	Date
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Reviewer: \_\_\_\_\_

Signature	Print Title & Name	Date
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